

QIS 13

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

D-1, ANTONIO P. FONTANA,
a/k/a Tony Fontana
a/k/a "Jason Lee" and "Jason"
a/k/a "Jason.Lee480"

Defendant.

Case:2:14-cr-20141

Judge: Lawson, David M.

MJ: Whalen, R. Steven

Filed: 03-13-2014 At 04:36 PM

INDI USA V. FONTANA (DA)

VIOL: 18 U.S.C. § 2422(b)
18 U.S.C. § 2251(a)
18 U.S.C. § 2252A(a)(2)
18 U.S.C. § 875(d)
18 U.S.C. § 2261A

INDICTMENT

THE GRAND JURY CHARGES:

At all times in this Indictment:

1. Defendant Antonio P. Fontana was a Canadian citizen who was located, at all material times, in Pickering, Ontario, Canada.
2. Minor Victim 1 (hereinafter "MV-1") was a fifteen year-old girl who was located, at all material times, in the Eastern District of Michigan.
3. Minor Victim 2 (hereinafter "MV-2") was a fourteen year-old girl who was located, at all material times, in the Eastern District of Michigan.

4. On or about October 15, 2013, MV-1 began communicating with Defendant Antonio P. Fontana (who was posing as a sixteen year-old boy) on an Internet website. During this initial conversation, Defendant Antonio P. Fontana convinced MV-1 to take off her shirt and show him her breasts. Defendant Antonio P. Fontana secretly recorded MV-1 as she did so. Defendant immediately began threatening MV-1, telling her that if she did not perform sexual acts for him in front of her webcam, he would post images of her on the Internet, a means and facility of interstate and foreign commerce.

5. From that day forward, on an almost daily basis, Defendant Antonio P. Fontana persuaded, induced, coerced and enticed MV-1 into performing various sexual acts for him in front of a webcam via the Internet. Defendant Antonio P. Fontana recorded many, if not all, of the sexual acts he forced MV-1 to perform. Defendant Antonio P. Fontana threatened to post the recordings of MV-1 on the Internet and/or to send them to her friends and family.

6. Later, in November, 2013, Defendant Antonio P. Fontana forced MV-1 to involve her friend, MV-2, in the performance of sexual acts, which he recorded. As he did with MV-1, Defendant Antonio P. Fontana threatened to post sexually explicit images and videos of MV-2 if MV-2 did not continue to engage in sexually explicit conduct as instructed by Defendant.

7. In late December, 2013, MV-1 attempted to stop communicating with Defendant Antonio P. Fontana. Thereafter, in January and February, 2014, Defendant Antonio P. Fontana repeatedly attempted to contact MV-1, her mother, and others, in an attempt to force MV-1 to continue to communicate with him. Defendant Antonio P. Fontana left several voicemails (using an Internet-based phone connection) in which he threatened to send the sexually explicit images/videos to all of MV-1's email contacts. And, at various times in January and February, 2014, Defendant Antonio P. Fontana actually followed through with his threats, sending sexually explicit photographs of MV-1 to several of MV-1's email contacts. Defendant also emailed child pornographic images of MV-1 to MV-1's mother.

COUNT ONE

(18 U.S.C. § 2422(b) – Coercion and Enticement)

D-1 ANTONIO P. FONTANA

From in or about October, 2013 through in or about January, 2014, within the Eastern District of Michigan and elsewhere, the Defendant, ANTONIO P. FONTANA, did knowingly use a facility and means of interstate or foreign commerce, to wit, the Internet, to persuade, induce, entice, and coerce "MV-1," and attempt to persuade, induce, entice and coerce "MV-1," who had not attained the age of 18 years, to engage in sexual activity for which any person can be

charged with a criminal offense, to include the production of child pornography as described in 18 U.S.C. § 2256(8) and child sexually abusive activity or material, in violation of M.C.L. § 750.145c, all in violation of Title 18, United States Code, Section 2422(b).

COUNT TWO

(18 U.S.C. § 2422(b) – Coercion and Enticement)

D-1 ANTONIO P. FONTANA

From in or about November, 2013 through in or about December, 2013, within the Eastern District of Michigan and elsewhere, the Defendant, ANTONIO P. FONTANA, did knowingly use a facility and means of interstate or foreign commerce, to wit, the Internet, to persuade, induce, entice, and coerce “MV-2,” and attempt to persuade, induce, entice and coerce “MV-2,” who had not attained the age of 18 years, to engage in sexual activity for which any person can be charged with a criminal offense, to include the production of child pornography as described in 18 U.S.C. § 2256(8) and child sexually abusive activity or material, in violation of M.C.L. § 750.145c, all in violation of Title 18, United States Code, Section 2422(b).

COUNT THREE

(18 U.S.C. § 2251(a) – Production of Child Pornography)

D-1 ANTONIO P. FONTANA

From in or about October, 2013 through in or about January, 2014, within the Eastern District of Michigan and elsewhere, the Defendant, ANTONIO P. FONTANA, did knowingly employ, use, persuade, induce, entice, and coerce a minor, to wit “MV-1,” to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), for the purpose of producing any visual depiction of such conduct and/or for the purpose of transmitting a live visual depiction of such conduct, knowing and having reason to know: that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, or in and affecting interstate and foreign commerce; or that such visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer; or that such visual depiction was transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce; all in violation of Title 18, United States Code, Section 2251(a).

COUNT FOUR

(18 U.S.C. § 2251(a) – Production of Child Pornography)

D-1 ANTONIO P. FONTANA

From in or about November, 2013 through in or about December, 2013, within the Eastern District of Michigan and elsewhere, the Defendant, ANTONIO P. FONTANA, did knowingly employ, use, persuade, induce, entice, and coerce a minor, to wit “MV-2,” to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), for the purpose of producing any visual depiction of such conduct and/or for the purpose of transmitting a live visual depiction of such conduct, knowing and having reason to know: that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, or in and affecting interstate and foreign commerce; or that such visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer; or that such visual depiction was transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce; all in violation of Title 18, United States Code, Section 2251(a).

COUNT FIVE

(18 U.S.C. § 2252A(a)(2) - Distribution of Child Pornography)

D-1 ANTONIO P. FONTANA

On or about February 18, 2014, in the Eastern District of Michigan and elsewhere, the defendant, ANTONIO P. FONTANA, did knowingly distribute child pornography, that is, any visual depiction of sexually explicit conduct where the production of such visual depiction involves the use of a real minor engaging in sexually explicit conduct, including masturbation and the lascivious exhibition of the genitals or pubic area as defined in 18 U.S.C. § 2256(8); and the images distributed by the defendant were mailed, shipped, and transported using the Internet, a means and facility of interstate or foreign commerce, and were mailed, shipped, and transported in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT SIX

(18 U.S.C. § 2252A(a)(2) - Distribution of Child Pornography)

D-1 ANTONIO P. FONTANA

On or about February 20, 2014, in the Eastern District of Michigan and elsewhere, the defendant, ANTONIO P. FONTANA, did knowingly distribute child pornography, that is, any visual depiction of sexually explicit conduct where

the production of such visual depiction involves the use of a real minor engaging in sexually explicit conduct, including actual or simulated masturbation as defined in 18 U.S.C. § 2256(8); and the images distributed by the defendant were mailed, shipped, and transported using the Internet, a means and facility of interstate or foreign commerce, and were mailed, shipped, and transported in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT SEVEN

(18 U.S.C. § 2252A(a)(2) - Distribution of Child Pornography)

D-1 ANTONIO P. FONTANA

On or about February 23, 2014, in the Eastern District of Michigan and elsewhere, the defendant, ANTONIO P. FONTANA, did knowingly distribute child pornography, that is, any visual depiction of sexually explicit conduct where the production of such visual depiction involves the use of a real minor engaging in sexually explicit conduct, including actual or simulated masturbation as defined in 18 U.S.C. § 2256(8); and the images distributed by the defendant were mailed, shipped, and transported using the Internet, a means and facility of interstate or foreign commerce, and were mailed, shipped, and transported in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT EIGHT

(18 U.S.C. § 875(d) - Internet Extortion)

D-1 ANTONIO P. FONTANA

From in or about October, 2013 through on or about February 23, 2014, the Defendant ANTONIO P. FONTANA, knowingly transmitted in interstate and foreign commerce from Ontario, Canada to locations within the Eastern District of Michigan, with intent to extort from a person a thing of value, a communication containing a threat to injure the reputation of "MV-1", who was located at all material times in the Eastern District of Michigan, Southern Division, all in violation of Title 18, United States Code, Section 875(d).

COUNT NINE

(18 U.S.C. § 875(d) - Internet Extortion)

D-1 ANTONIO P. FONTANA

From in or about November, 2013 through in or about December, 2013, the Defendant ANTONIO P. FONTANA, knowingly transmitted in interstate and foreign commerce from Ontario, Canada to locations within the Eastern District of Michigan, with intent to extort from a person a thing of value, a communication containing a threat to injure the reputation of "MV-2", who was located at all material times in the Eastern District of Michigan, Southern Division, all in violation of Title 18, United States Code, Section 875(d).

COUNT TEN

(18 U.S.C. § 2261A(2)(A) – Cyber Stalking)

D-1 ANTONIO P. FONTANA

From in or about October, 2013 through on or about February 23, 2014, the Defendant, ANTONIO P. FONTANA, with the intent to harass and intimidate, used an interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce, to include the Internet, to engage in a course of conduct that caused, attempted to cause or would reasonably be expected to cause substantial emotional distress to “MV-1,” in violation of Title 18, United States Code, Section 2261A(2)(A).

COUNT ELEVEN

(18 U.S.C. § 2261A(2)(A) – Cyber Stalking)

D-1 ANTONIO P. FONTANA

From in or about November, 2013 through in or about December, 2013, the Defendant, ANTONIO P. FONTANA, with the intent to harass and intimidate, used an interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce, to include the Internet, to engage in a course of conduct that caused, attempted to cause or would reasonably be expected to cause

substantial emotional distress to “MV-2,” in violation of Title 18, United States Code, Section 2261A(2)(A).

COUNT TWELVE

(18 U.S.C. § 2261A(2)(A) – Cyber Stalking)

D-1 ANTONIO P. FONTANA

From in or about January, 2014 through in or about February, 2014, the Defendant, ANTONIO P. FONTANA, with the intent to harass and intimidate, used an interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce, to include the Internet, to engage in a course of conduct that caused, attempted to cause or would reasonably be expected to cause substantial emotional distress to “MV-1’s” mother, in violation of Title 18, United States Code, Section 2261A(2)(A).

FORFEITURE ALLEGATION

1. The allegations of this Indictment are re-alleged as if fully set forth here, for the purpose of alleging forfeiture, pursuant to Title 18, United States Code, Section 2253.

2. If convicted of an offense charged and set forth above, ANTONIO P. FONTANA, the Defendant herein, shall forfeit to the United States any and all materials and property used and intended to be used in the receipt, distribution,

production, transmission, possession, and/or transportation of visual depictions of minors engaging in sexually explicit conduct or the coercion and enticement of a minor, the extortion of a minor or the cyber-stalking of a minor, and any and all property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense.

THIS IS A TRUE BILL.

s/Grand Jury Foreperson
Grand Jury Foreperson

BARBARA L. McQUADE
United States Attorney

s/Kevin Mulcahy
KEVIN M. MULCAHY
Chief, General Crimes Unit
Assistant United States Attorney
211 West Fort Street, Suite 2001
Detroit, Michigan 48226-3220

s/Douglas C. Salzenstein
DOUGLAS C. SALZENSTEIN
Assistant United States Attorney
211 West Fort Street, Suite 2001
Detroit, Michigan 48226-3220

s/Matthew Roth
MATTHEW ROTH
Assistant United States Attorney
211 West Fort Street, Suite 2001
Detroit, Michigan 48226-3220

Dated: March 13, 2014

United States District Court
Eastern District of Michigan

Criminal Case Cover Sheet

Case:2:14-cr-20141
Judge: Lawson, David M.
MJ: Whalen, R. Steven
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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it.

Reassignment/Recusal Information This matter was opened in the USAO prior to August 15, 2008 []

Companion Case Information	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :	Judge Assigned:
<input type="checkbox"/> Yes <input type="checkbox"/> No	AUSA's Initials: DCS

Case Title: USA v. ANTONIO P. FONTANA, a/k/a Tony Fontana,
a/k/a JasonLee and Jason, a/k/a Jason.Lee480.
County where offense occurred : Oakland

Check One: ☒ **Felony** ☐ **Misdemeanor** ☐ **Petty**

☐ Indictment/ ☐ Information --- no prior complaint.
☒ Indictment/ ☐ Information --- based upon prior complaint [Case number:] 14-30076
☐ Indictment/ ☐ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information

Superseding to Case No: _____ **Judge:** _____

- ☐ Original case was terminated; no additional charges or defendants.
- ☐ Corrects errors; no additional charges or defendants.
- ☐ Involves, for plea purposes, different charges or adds counts.
- ☐ Embraces same subject matter but adds the additional defendants or charges below:

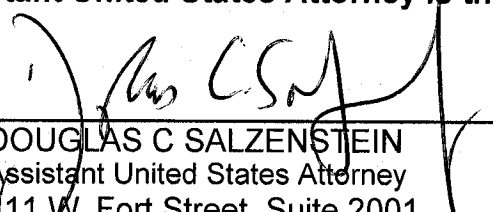
Defendant name

Charges

Prior Complaint (if applicable)

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

March 13, 2014
Date


DOUGLAS C SALZENSTEIN
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, MI 48226-3277
Phone: 313-226-9196
Fax: 313-226-2372
E-Mail address: doug.salzenstein@usdoj.gov
Attorney Bar #: P59288

¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.